

Creative Commons & “Interface Design for Legal Systems”

New and Emerging Legal
Infrastructures Conference (NELIC)

Mike Linksvayer
2011-04-15 / Berkeley



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culture, education, public sector,
science...

known for tools with '3 forms'

licenses, "legalcode", "lawyer-readable"

"human-readable" "deeds", buttons

"machine-readable" metadata

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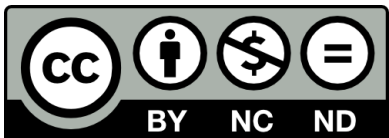
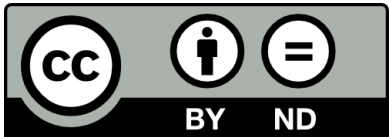
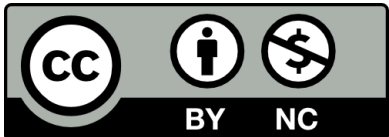
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wikipedia



De gebruiker mag:



het werk kopiëren, verspreiden en doorgeven



Remixen - afgeleide werken maken



Onder de volgende voorwaarden:



Naamsvermelding — De gebruiker dient bij het werk de door de maker of de licentiegever aangegeven naam te vermelden (maar niet zodanig dat de indruk gewekt wordt dat zij daarmee instemmen met uw werk of uw gebruik van het werk).



Gelijk delen — Indien de gebruiker het werk bewerkt kan het daaruit ontstane werk uitsluitend krachtens dezelfde licentie als de onderhavige licentie of een gelijksoortige licentie worden verspreid.

Met inachtneming van:

Afstandname van rechten — De gebruiker mag afstand doen van een of meerdere van deze

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licenses, "legalcode", "lawyer-readable"

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<rdf:RDF xmlns="http://creativecommons.org/ns#"
  xmlns:rdf="http://www.w3.org/1999/02/22-rdf-syntax-ns#">
  <License
    rdf:about="http://creativecommons.org/licenses/by-nc-sa/3.0/">
    <permits
      rdf:resource="http://creativecommons.org/ns#Reproduction"/>
    <permits
      rdf:resource="http://creativecommons.org/ns#Distribution"/>
    <requires
      rdf:resource="http://creativecommons.org/ns#Notice"/>
    <requires
      rdf:resource="http://creativecommons.org/ns#Attribution"/>
    <prohibits
      rdf:resource="http://creativecommons.org/ns#CommercialUse"/>
    <permits
      rdf:resource="http://creativecommons.org/ns#DerivativeWorks"/>
    <requires
      rdf:resource="http://creativecommons.org/ns#ShareAlike"/>
  </License>
</rdf:RDF>
```

```
<span xmlns:cc="http://creativecommons.org/ns#"
xmlns:dc="http://purl.org/dc/elements/1.1/">
<span rel="dc:type" href="http://purl.org/dc/dcmitype/Text"
property="dc:title">My Book</span> by
<a rel="cc:attributionURL" property="cc:attributionName"
href="http://example.org/me">My Name</a>
is licensed under a
<a rel="license"
href="http://creativecommons.org/licenses/by/3.0/">Creative
Commons Attribution 3.0 License</a>.
<span rel="dc:source" href="http://example.net/her_book"/>
Permissions beyond the scope of this license may be available at
<a rel="cc:morePermissions"
href="http://example.com/revenue_sharing_agreement">example.com</a
>.
</span>
```

all 3 are user interfaces for humans, and enable more such user interfaces:

lawyers, informed non-lawyers,
policy

general public, general zeitgeist

software developers, cc-aware
applications

legal user interfaces Я hard



headphonica c'mon everybody, start reading full license texts, e.g.

<http://creativecommons.org/licenses/by-nc-sa/3.0/legalcode> !cc !ccmusic

[about a month ago](#) from web



fontana @headphonica I find !CC "deeds" somewhat !disturbing as I think they make it less likely actual license is read

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mlinksva @fontana it is at least conceivable that !CC deeds make actual license more likely to be read, at least absolute # reads...

[about a month ago](#) from web at [South Berkeley, Berkeley, California, United States](#)



fontana @mlinksva maybe; also must be admitted free software licenses often go unread

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mlinksva @fontana ... though they're clearly a tradeoff, to be scrutinized short (talk TBA) and long term (4.0 etc).

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mlinksva Talking about !CC experience with "human readable" legal interfaces at NELIC <http://www.robotandhwang.com/?p=303> April 15, Berkeley

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Required "license citation" - discrepancy between CC deed & legal code (1 post)

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At Wikimedia-Commons the question arised what the CC-BY licenses precisely require in regard to communicating the license terms when people use CC-BY-licensed works.

The question results from the fact that the license deed does not mention this point in its "conditions" section, but only in a sort of fineprint and in a rather unspecific wording:

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The German-language version of the deed[<http://creativecommons.org/licenses/by-sa/3.0/deed.de>] is even less specific than that, when stating "Hinweis — Im Falle einer Verbreitung müssen Sie anderen alle Lizenzbedingungen mitteilen, die für dieses Werk gelten. ...", as it seems to apply this requirement only to cases of "Verbreitung", which is usually translated to "distribution" but not to "use" or "reuse".

Contrary to the license deed, the legal code says in § 4.a. "You must include a copy of, or the Uniform Resource Identifier (URI) for, this License with every copy of the Work You Distribute or Publicly Perform"[<http://creativecommons.org/licenses/by-sa/3.0/legalcode>], which I (as a non-lawyer) understand that it applies to absolutely any kind of use.

While this difference is less relevant for online uses, for offline uses, i.e. in books, poster-presentations, or whatever, it is highly relevant whether the re-user needs only to write "Photo: Ansel Adams, CC-BY-SA" (often to find) or has to "communicate" either the full license text (which has 19,451 characters for the CC-BY-SA 3.0 unported) or the URI. I am not advocating one way of interpretation or the other, I just want to know what is legally correct and what those meant who developed this license.



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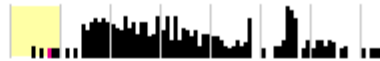
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


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endless opportunities for legal user
interface design

note, as investing more in metadata is one of the least harmful things the industry might do. Not that I don't think [metadata](#) is great or anything.



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Thursday evening
I was on a
'[Copyright 2.0](#)'
[panel](#) put on by
the American
Society of Media
Photographers
Northern
California. I

thought my photo selection for my first [slide](#)
was pretty clever. No, copyright expansion
is not always good for the interests of
professional photographers. The other

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<div xmlns:cc="http://creativecommons.org/ns#" about="http://f" ⓘ

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 Ελληνικά Русский српски العربية ལྷོག བཅའ་སྲོལ་ 中文 (香港) 日本語 華語 (台灣) 한국어

Besides the usual (small tweaks to some language in a further attempt to get it Just Right; improvements to the GPL language; etc.) I also published a bit of an experiment: a draft of the license which replaces the traditional section headers with FAQ questions, like so:

Traditional:

2.2. Grants.

Each Contributor hereby grants You a world-wide, royalty-f

FAQ-style:

2. What rights are granted to me by this license? Who are

Each Contributor hereby grants You a world-wide, royalty-f

The inspiration for this came from the apartment lease I signed in December, which was done in this style and (oddly) almost a pleasure to read.

This approach has two advantages. First, it helps you draft and organize things more clearly. Since every paragraph was

tieguy.org/blog/2011/03/31/mpl-beta-2-as-faq/

[cc-community] Creative Commons for privacy policies?

Mike Linksvayer [ml at creativecommons.org](mailto:ml@creativecommons.org)

Fri Apr 8 14:55:30 EDT 2011

- Previous message: [\[cc-community\] Creative Commons for privacy policies?](#)
- Next message: [\[cc-community\] Using Sampling Plus files](#)
- **Messages sorted by:** [\[date \]](#) [\[thread \]](#) [\[subject \]](#) [\[author \]](#)

On Fri, Apr 8, 2011 at 11:20 AM, Ben Moskowitz <[benrito at gmail.com](mailto:benrito@gmail.com)> wrote:

> I'm involved in this project, which has a lot of people excited but ends up
> being a lot harder than it seems.
>

That's a good summary. I hope the Mozilla effort succeeds, but in any case someone (maybe me in the fullness of time) should create a page on the CC wiki listing many "CC for privacy and/or tos" projects that have gotten as far as putting up a web page over the years.

Mike

----- next part -----

An HTML attachment was scrubbed...

URL: <http://lists.ibiblio.org/pipermail/cc-community/attachments/20110408/d6a97e9e/attachment.html>

-
- Previous message: [\[cc-community\] Creative Commons for privacy policies?](#)
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[More information about the cc-community mailing list](#)

“cc for x” often sounds good, but
not feasible for many values of x

public copyright licenses a
naturally fairly constrained space

we work to keep space much more
constrained than natural: “license
proliferation” = broken commons,
network effects left on table

consider, for all LUIs (assuming
access, democratization as goals)

make the underlying legal
arrangement conceptually simple and
user-friendly (for several meanings
of user-friendly!)

attempt simple and short legal
documents

provide readily-accessible
explanations, eg contextual FAQs

LUIcons (2)

can very small number of important legal concepts be distilled? maybe “cc like” icons will help, but don’t get stuck here

encourage an informed cadre to read and understand the “legalcode”

LUIcons (3)

non-English interfaces

modeling key legal concepts (e.g.,
with RDF) can force good thinking on
all of above, or be a rathole!

what additional user interfaces
might be enabled by a “machine-
readable” interface?

LUIcons (4)

all of the democratic issues around standards, e.g.

free documentation

royalty-free patent permission

free/open source implementation

open-by-rule governance

links: convey yourself to

<http://creativecommons.org>

(Creative Commons NGO)

http://wiki.creativecommons.org/NELIC_LUI

(these slides)